**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**APPELLATE CIVIL JURISDICTION**

**CIVIL APPLICATION NO. 1766 OF 2006**

**IN**

**WRIT PETITION NO. 5250 OF 2005**

Sai Repowering Works P.ltd ....Petitioners
vs.
Union of India and Ors. ....Respondents.

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Mr.B.G. Tangsali, advocate

for the petitioners

Ms.N.V. Masurkar, advocate

for the respondents.

**CORAM: H.L. GOKHALE, &**

**V.R. KINGAONKAR, J J.**

**DATE : JULY 21, 2006.**

**P.C. :**

1. Heard Mr. Tangsali in support of this Civil Application. Mrs. Masurkar appears for the respondents.

2. Application seeks recall of the order passed on 8.6.2006 whereby Petition No. 5250 of 2005 came to be dismissed for non-prosecution. The Civil Application points out that the learned advocate appearing for the Applicant was not well on that date and could not remain present. The application has been moved at the earliest thereafter. Mrs. Masurkar appearing for the respondents opposes the restoration but leaves it to the court considering that the advocate was not well.

3. In the circumstances, we allow this Civil Application in terms of prayer clause (a) and (b). Order dismissing the petition will stand recalled and the main petition will be restored to the file.

. Main matter to be listed for hearing on 2.8.2006.

**(H.L. GOKHALE, J)**

**(V.R. KINGAONKAR, J)**